

§ 10-637. Definitions

(a) In general. -- In this Part V of this subtitle the following words have the meanings indicated.

(b) Archives. -- "Archives" means the State Archives.

(c) Commission. -- "Commission" means the Hall of Records Commission.

(d) Public official. -- "Public official" includes an official of the State or of a county, city, or town in the State.

[1984, ch. 286, §§ 5, 9.]

§ 10-638. Scope of part

Except as expressly provided in § 10-642 of this subtitle, this Part V of this subtitle does not authorize:

- (1) the destruction of a permanent book of account;
- (2) the destruction of a land record of a clerk of a circuit court;
- (3) the destruction of any record that relates to the financial operation of a unit of the State government or to collection of State taxes until the requirements of §§ 2-1220 through 2-1227 of this article are met;
- (4) the destruction of any record until the expiration of the period that a statute expressly sets for that record to be kept;
- (5) the destruction of any public record that a statute expressly requires to be kept permanently; or
- (6) the destruction of any record of a court of record unless:
 - (i) the destruction is authorized under § 1-605 (d) (6) or § 2-205 of the Courts Article;
 - (ii) an accurate transcript of the record is in use; or
 - (iii) the record relates to the internal management of or otherwise is a housekeeping record for an office of a clerk of court or register of wills.

[1984, ch. 286, §§ 5, 9; 1996, ch. 10, § 1; 1997, ch. 635, § 9; ch. 636, § 9.]

§ 10-639. Public records

(a) Offer. -- In accordance with the record retention and disposal schedules, a public official shall offer to the Archives any public record of the official that no longer is needed, such as:

- (1) an original paper;
- (2) a book;
- (3) a file;
- (4) a record of a court of record for which an accurate transcript is in use; or

(5) a record that relates to the internal management of or otherwise is a housekeeping record for an office of a clerk of court or register of wills.

(b) Destruction. --

(1) With the written approval of the State Archivist, a public official may destroy the record that the public official offers under this section, but the Archives declines to accept.

(2) After records are destroyed, the public official shall send to the Archives:

- (i) a list of the records that were destroyed; and
- (ii) a certificate of destruction.

(3) The State Archivist shall keep each list of the records destroyed under this subsection. The list shall be available for public inspection at reasonable times.

[1984, ch. 286, §§ 5, 8; 1993, ch. 114.]

§ 10-640. Nonofficial materials

(a) In general. -- A public official may offer to the Archives or may destroy any of the following materials that the public official no longer needs:

- (1) a book, magazine, or newspaper;
- (2) other library or museum material that was made or acquired for reference or exhibition purposes;
- (3) an extra copy of a document that was kept only for convenience of reference;
- (4) a stock of publications;
- (5) an acceptance or refusal of an invitation or engagement of a public officer; and
- (6) material that otherwise relates to personal business of a public officer.

(b) Other materials. -- The State Archivist may set classes of materials that the public official may destroy if the public official no longer needs the materials.

[1984, ch. 286, §§ 5, 8.]

§ 10-641. Portraits

A public official may offer to the Archives any portrait that is in the custody of the public official but is no longer used.

[1984, ch. 286, §§ 5, 8.]

§ 10-642. Reproductions

(a) Destruction authorized. -- With the written approval of the State Archivist, the head of a unit of the State government or of a unit of a county or municipal corporation may destroy original material that has been photographed, photocopied, or microphotographed if:

- (1) the head offers the original material to the Archives, but the Archives declines to accept;
- (2) the copy is made in a manner that meets the standard of quality of the Archives for permanent photographic records;
- (3) the copy is placed in an adequately accessible container; and
- (4) provisions are made:
 - (i) for the preservation, examination, and use of the copy in a manner that the Archives approves; and
 - (ii) as to a record that a statute otherwise expressly requires to be kept permanently, for the copy to be available, on request, in the same manner as the original material.

(b) Conditions. --

- (1) After materials are destroyed under this section, the head of the unit shall send to the Archives:
 - (i) a list of the materials that were destroyed; and
 - (ii) a certificate of destruction.
- (2) The State Archivist shall keep each list of the materials destroyed under this section. The list shall be available for public inspection at reasonable times.

[1984, ch. 286, §§ 5, 8.]